

PTO/SB/Z1 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/687,566

Filing Date October 15, 2003

First Named Inventor Osorio, et al.

Art Unit 2863

Examiner Name John H. Le

Attorney Docket Number 011736.0015

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):Letter Clarifying Notice of Allowance
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with this correspondence to Deposit Account No. 19-0733. A duplicate of this sheet
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Firm

Banner & Witcoff, LTD.

Signature



Printed Name

Binal J. Patel

Date

February 10, 2006

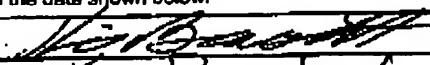
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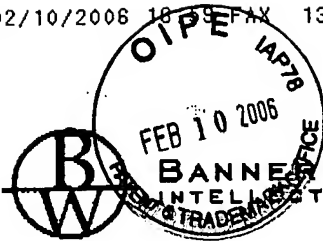
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TO: Commissioner of Patents MAIL STOP ISSUE FEE	FROM: Binal J. Patel
COMPANY:	DATE: February 10, 2006
FAX NO.: 571-273-2885	TOTAL NO. OF PAGES: (Including cover sheet) 6
YOUR REFERENCE NO.:	OUR REFERENCE (C/M) NO.: 011738.00151
RE: Payment of Issue Fee and Letter Clarifying Notice of Allowance for Application No. 10/687,566 "Synchronization and Calibration of Clocks for a Medical Device and Calibrated Clock" Inventor: Osorio, et al. Medtronic Reference P-10950.00	
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NAME: Kathy Kessling	PHONE: 312-463-5505

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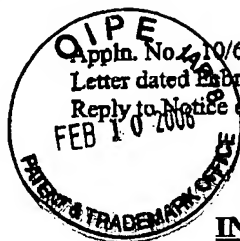
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Osorio *et al.*

Serial No.: 10/687,566

Filed: October 15, 2003

For: SYNCHRONIZATION AND
CALIBRATION OF CLOCKS FOR
A MEDICAL DEVICE AND
CALIBRATED CLOCK

Atty. Docket No.: 011738.00151

Group Art Unit: 2363

Examiner: John H. Le

Confirmation No.: 7141

LETTER CLARIFYING NOTICE OF ALLOWANCEMail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

This paper is responsive to the Notification of Allowance mailed November 10, 2005. The Notice of Allowance set a three-month period for response, thus making the issue fee due on or before **February 10, 2005**. It is noted that the issue fee is being paid today, February 10, 2006. If any fees are due or if overpayment has been made the Commissioner is authorized to charge or credit our Deposit Account 19-0733, accordingly.

The Notice of Allowance Mailed November 10, 2005 indicated that one of the references, Gotman, J., "*Seizure Recognition and Analysis*" ("Gotman"), submitted on November 23, 2004, was not considered because it allegedly did not have a date. However, there appears to be an error in the Notice of Allowance because Gotman does indicate a date of 1985 on the first page of the reference and, thus, there should be no issue with determining whether the date of the reference was earlier than the present application. Moreover, a previous Office Action mailed on June 14, 2005 indicated that the Examiner had considered and reviewed Gotman. In particular,

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Appl. No.: 10/687,566
Letter dated February 10, 2006
Reply to Notice of Allowance of November 10, 2005

the Examiner marked the PTO Form 1449 indicating that he reviewed Gotman and the form indicates that the Examiner is to initial the references if considered, even if the references do not meet the requirements of MPEP 609.

Accordingly, in light of Gotman having a date and the prior Office Action indicating that the Examiner did consider Gotman, Applicants believe that the Examiner did previously review and consider Gotman and an indication of same is respectfully requested. Applicants also note that Gotman is an older reference and is not believed to be material but instead is at most cumulative to the other references submitted and considered.

Respectfully submitted,

BANNER & WITCOFF LTD.

Dated: February 10, 2006

By


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